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ABSTRACT

Recent educational reform initiatives have caused the state to examine its role in regulation of schools, and the current regulatory processes have been found to be in need of revision. The current system, in which the state grants "recognition" to schools that meet its standards based on whether they meet a rigidly defined set of criteria, is capable of addressing only the most general of differences between schools and their districts: Full Recognition, Probationary Recognition, and Nonrecognition. Since dissolving a school district through Nonrecognition is virtually never a viable option, the state has no level of sanction that allows for intervention in situations that call for it. Other problems with this system include its inflexibility in terms of differences that may exist between school districts, its failure to address the quality of student learning, and its lack of a mandated public disclosure of the results of the evaluation process. Recommended changes in current regulatory practices include: (1) the inclusion of student performance in criteria for evaluation; (2) the definition of a sufficient number of performance levels to more accurately access schools; (3) an increase in the number of possible intervenient options available to the state; and (4) a commitment to open disclosure of the results of the evaluation to the public. (RJS)

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THE STATE'S ROLE
IN
REGULATING EDUCATION

1990 REPORT AND RECOMMENDATIONS

ILLINOIS STATE BOARD OF EDUCATION

JANUARY 1990

U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
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THE STATE'S ROLE
IN REGULATING EDUCATION

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I. PURPOSE, BACKGROUND, AND HISTORY OF REGULATION

PURPOSE OF STATE REGULATION

Through its laws, the State of Illinois has delegated responsibility for regulating elementary and secondary education to the State Board of Education. The Board is required:

> To Supervise all the public schools in the State (Illinois Revised Statutes, Article 122, Section 2-3.3)
>
> To determine for all types of schools conducted under this Act efficient and adequate standards for the physical plant, heating, lighting, ventilation, sanitation, safety, equipment and supplies, instruction and teaching, curriculum, library, operation, maintenance, administration and supervision, and to grant certificates of recognition to schools meeting such standards by attendance centers or school districts.... (Section 2-3.25)
>
> (To) recommend the...legislation necessary to determine the appropriate relationship between the Board and local boards of education.... (Section 1A-4C)

At its 1985 annual work conference, the State Board made a formal commitment to examine its regulatory activities in the context of recent Board and legislative policy decisions. In directing staff to undertake a study of the state's role in regulating education, the Board established the following objective:

> To establish state standards for schools based on the purpose of schooling and the responsibility of the State Board to assure that school reform becomes a reality in Illinois.

Consideration of the state's role in regulating elementary and secondary education may be said to have actually begun in 1981, when the Board authorized a comprehensive study of the state's mandates on local school districts. When the first phase of that study was concluded, in 1983, it was clear that the new view of the state's interest in schooling envisioned by the Board -- a view based on a concern for the results of the schooling process -- would eventually require a modification in the Board's regulatory activities. It was therefore determined that when the new view of schooling was put into place, in law and in local school districts, the Board would examine the regulatory system.

In February 1986, the framework for this regulatory study was approved by the Board. It was based on four questions which have guided the staff study and which will be discussed in later sections of this report:

1. In what manner does the state presently pursue its compelling interest in the scope and quality of the education provided by local school districts to our children?

2. In what ways do past studies and the State Board policies emanating from them indicate a need for change in the state's role in regulating education?

3. How does recent reform legislation, research, national studies, or other state experience either require or provide an incentive for change in the state's role in regulating education?

4. Given the answers to questions 1-3, what should the form and character of the state's role in regulating education be for both the immediate and long-term future?

An initial report providing factual information and observations about the State Board's regulatory activities and those of other organizations (e.g., the North Central Association) and other states was given at the State Board's 1986 Annual Work Conference. Some of that information will be repeated in this final report.

Then, in August 1987, a report and preliminary recommendations titled "The State's Role in Regulating Education" went to the Board for consideration. That report (parts of which are reiterated herein) extensively outlined the history and workability of regulatory processes in Illinois. It culminated in a set of proposed regulatory principles which would change that process to reflect a greater emphasis on student outcomes. The report was then circulated for public comment. Further action, however, was deferred due to significant statewide efforts being directed toward the passage of an income tax increase.

Following passage of a temporary tax increase in the spring of 1989, an updating process began, as educational literature was indicating major shifts in regulatory activity nationwide. A 50-state phone survey helped to determine general trends in state educational reform as well as to identify particular state practices which might be of interest to Illinois in light of the ten proposed regulatory principles in the original report. An updated report, "An Overview of State Practices," was presented to the Board in August 1989.

This report (January 1990) reviews the current Illinois regulatory system, and culminates with recommended regulatory principles and actions.

FOCUS OF STUDY ACTIVITIES

Although one might reasonably question the validity of certain rules or laws governing Illinois education, it is clear that these requirements came into being to serve a single purpose: the improvement of schooling. They, along with grant programs and various forms of technical assistance, constitute the primary tools available to the State Board in its continuing efforts to promote excellence in Illinois education.

Recently, through its reform initiatives, the state has acted to legally define the primary purpose of schooling and to enlarge its program requirements to include new attention to public accountability and results. The appropriateness of current regulatory practices and procedures for addressing these new emphases is the general subject of this paper. The specific focus of the study is the state's process for granting recognition to schools.

The regulatory process now in place in Illinois has evolved to the point where all schools must be recognized annually as being in compliance with the laws and rules governing elementary and secondary education. Although for about two-thirds of all schools in any given year the process of attaining full recognition is pro forma, requiring only the submission of a one-page set of assurances, the spectre of nonrecognition lends gravity to the requirement. Nonrecognition is a status rarely assigned, and understandably so, for it can culminate in the dissolution of a school district and its annexation by one or more districts surrounding it.

But school recognition is not the only regulatory mechanism used by the state; it also regulates more than four dozen separate state and federal program areas. In contrast to the recognition process, which attempts to gain a comprehensive perspective on schools--their programs, procedures and personnel--other regulatory activities of the state education agency such as grant monitoring and auditing are narrowly defined by program or function. They address areas such as those involving programs for special populations, food and nutrition or transportation. Still others stem from prescriptive federal rules and allow little latitude for the state to shape their character.

It is apparent, therefore, that the recognition process is the logical focus for this study of the state's role in regulating education. It is important to note, however, that the principles growing from this inquiry will inevitability affect many other regulatory activities engaged in by the state agency.

HISTORY OF THE STATE'S RECOGNITION PROCESS

The authority of the state education agency to supervise and to make rules has not been substantially modified since its enactment in the mid-19th century. Both powers are derived from 1854 legislation providing for the election of a State Superintendent of Public Instruction. Two of that official's duties were to supervise common schools in Illinois and to make rules necessary to carry out school laws.

The first focus of regulatory attention was on health and safety factors in the thousands of new school buildings springing up throughout Illinois (most were one-room schools providing only the elementary grades) and the qualifications of teachers. These were years in which authorities attempted to strike a balance between encouraging communities to establish schools and assuring that some reasonable standards were being met in the schools which were established Most state and county activities centered on providing what was referred to as "counseling" for schools--that is, providing them with written and personal guidance about how their schools might be improved.

Beginning in 1899, the state developed voluntary standards for school recognition. The Illinois State Course of Study for Country Schools provided suggestions for instructional content and used this, in addition to state laws and regulations regarding teacher qualifications and health and safety standards, as the basis for supervisory visits by the county superintendents. These visits resulted in designation of the schools as "recognized" or "superior" and each school had a wooden sign indicating its status which was usually hung over the front door, prominently displayed for the public to see.

In the early years of this century, the number of high schools in Illinois increased dramatically, creating a more extensive state regulatory responsibility. After much lobbying by teachers' organizations and others who wanted to assure that the new high schools met certain standards, the legislature agreed in 1913 to appoint the first High School Supervisor. Under the direction of this official, formal certificates of recognition were granted to high schools on a voluntary basis. The criteria included areas such as "material, equipment, organization, curriculum, instruction and (teachers') spirit."

The evolvement of high schools in Illinois and throughout the country resulted in a controversy between state agencies and universities over who would have authority to establish standards for the schools. In Illinois, the Office of the Superintendent of Public Instruction and the University of Illinois found themselves in a major dispute. The state had both the wish and the legal right to supervise secondary schools; it also wanted to promote the articulation of elementary and secondary programs. The University, however, had its own standards for recognizing high schools, and employed an official who visited schools to

ensure that their graduates would be ready to attend the University. Both sides wanted to inspect schools but could not reach an agreement on their respective roles for several years. They finally achieved a "Plan of Cooperation in Inspection of High Schools" which divided the state down the middle into eastern and western components (Chicago excluded). In one year, the University of Illinois would field all requests from the eastern division while the state performed the same function in the west. The next year, they would switch sides. The two institutions met to agree on requirements and each pledged to honor the other's recommendations. This arrangement finally ended as the legislature continued to expand and strengthen the state agency's regulatory responsibilities.

Growing public official attention to the quality of teaching and the importance of curriculum led in 1937 to legislation which added to the powers of the Superintendent that of "determining the standards for recognition of elementary schools." Two years later, the General Assembly declared that no elementary school would be eligible for state funds unless it were recognized by the Superintendent's Office. In 1947, the same provision was extended to high schools. With that, the state was empowered to grant certificates of recognition to all schools that met appropriate standards for instruction, teaching and curriculum, as well as the physical and safety standards that had always been regulated.

The scope of the state's regulatory responsibilities continued to expand after this time--particularly during the last two decades. Additionally, over time, there have been alterations to the methodology used to implement the recognition system, including a period in the late 1960's and early 1970's when a system similar to that of the North Central Association was used. However, the basic foundation of the state's regulatory authority has remained the same since the 1940's.

II. DESCRIPTION OF THE CURRENT SYSTEM OF SCHOOL DISTRICT RECOGNITION AND CONSIDERATIONS FOR IMPROVEMENT

"In what manner does the state presently pursue its compelling interest in the scope and quality of the education provided by local school districts to our children?"

THE RECOGNITION VISIT

The recognition process is focused almost exclusively on assuring the presence of certain required conditions. If these conditions are not in evidence at an acceptable level, the state agency's recognition staff and the regional superintendent will use a combination of persuasion, suggestions, and the proposed recognition status as means for encouraging necessary changes. Provision is sometimes made for the district to be put in contact with other sections of the state agency for assistance with identified problems, but the state's technical assistance resources are not either formally or systematically engaged in the overall process.

What generalizations can be made about the present recognition system?

Several generalizations can be based on the process and content of public school recognition, outlined in detail in Attachment A.

- The system assesses compliance with requirements solely on the presence or absence of numerous discrete characteristics in a number of areas of a school's operation. These characteristics represent what have been determined to be the necessary conditions under which schooling must occur, but they do not address the quality of student learning, how it is assessed, or what is being done about any problems which may be associated with it.

- For the most part, the system devotes equal attention to all school districts, with each one typically visited every three years. Outside of the cycle of visitations, there is no formal or standardized process for identifying which districts are experiencing problems and warrant special state attention.

- The state makes no formal ranking of differences in importance between and among the multiple of required conditions. There is no level of distinction made, for example, between deficiencies in recordkeeping, administrative assignments, classes offered, facilities or the qualifications of teaching personnel. As a consequence, each is implied to be as important to the state as any other.

- The process is not systematically linked with either the technical assistance or other regulatory functions of the state agency. This provides a limited state perspective on a given school district and, therefore, a limited ability to respond to areas of concern in a coordinated and efficient manner.

- In reality, the system has only two official levels of recognition: Full and Probationary. Nonrecognition, for all practical purposes, is never used and is therefore of limited value in classifying school districts. Since the Full and Probationary recognition levels describe only the most general differences among schools and school districts, they do not either adequately convey status to the public or categorize problems schools may have in a reasonable order of intensity.

- Other than dissolving a district through Nonrecognition, which is virtually never a viable solution, there is no level of sanction available to the state which allows for a significant level of intervention in situations that call for it. This means that strong intermediate steps which may lead to important improvements in school districts with a long history of severe problems are not available to the state.

- The status of a school district may or may not reflect the status of all schools under its control. Although presently done in only one school district, the system permits districts as a whole to be fully recognized even though one or more of their attendance centers may be on Probationary Recognition.

- The system does not require that the results of the recognition process be communicated to the public.

CONSIDERATIONS FOR IMPROVING THE STATE SYSTEM OF RECOGNITION

"In what ways do past studies and the State Board policies emanating from them indicate a need for change in the state's role in regulating education?"

"How does recent reform legislation, research, national studies, or other state experience either require or provide an incentive for change in the state's role in regulating education?"

During the past eight years, there have been many significant changes in laws, policies and attitudes regarding education. Among the factors which have contributed to those changes have been the following.

1. Mandate and Policy Studies - At least twenty mandate and policy studies have been conducted by the State Board of Education since the mandate study plan was adopted in 1981. These have included studies of all of the instructional program requirements and all other major requirements on local school districts; two comprehensive studies regarding educational personnel; studies of gifted education and second language and international studies; two gifted education and second language and international studies; two major studies of school finance issues; an examination of education for employment; and a study of early childhood education. Many of the Board's positions flowing from those studies are now in law.

2. Educational Research - Research in education has become more sophisticated in methodology and emphasis. Major studies have concentrated on the relationships between schooling variables and student learning and now there is a substantial base of data about factors relevant to school effectiveness. Additionally, we know more than ever about the characteristics of the students in our schools and the relationship between these characteristics and school success or failure.

3. National Imperatives - Beginning in 1983 with the publication of A Nation at Risk, there have been a series of national studies and reports calling for significant changes in elementary, secondary and higher education. These reports have concentrated public and political attention on education to a degree unprecedented in recent memory. One factor which may have contributed to this response is that many of the reports linked the economic future of both the state and nation to the improvement of education.

4. Education Reform Legislation - The education reform legislation adopted in Illinois in 1985 had a broad scope and a dramatic long-range agenda for changes in elementary

> and secondary education in the state. Initiatives such as the learning assessment and school improvement plans, school report card and teacher certification testing program reflect new demands for accountability and responsiveness by the educational community.

When these factors are considered together, it is evident that they provide substantial direction for modification of the state's role in recognition and supervision of the public schools. The remainder of this section will describe the considerations which flow from these events and therefore should shape the future of the recognition system.

The State's Interest in Schooling

The state has historically expressed its interest in the quality of education by establishing requirements regarding the conditions under which learning must take place. For example, since the state wants students to learn about principles of government, it has identified in law certain topics related to government which must be taught for minimum amounts of time at specific grade levels. The focus of state regulatory activities has been to assure that all such required conditions are in place.

The state's interest in those aspects of schooling has not waned; in fact, in its 1987 study of the profession of teaching, the state's Blue Ribbon Committee recommended that

> The conditions for effective teaching and learning which have been identified through research and practice should be in evidence in all local school districts. To this end, the State Board of Education should ... develop valid indices of such conditions for use in the evaluation of local school districts for state recognition.

Additionally, many of the requirements adopted as part of the 1985 education reform legislation were in reality new or strengthened preconditions for student learning.

However, the state has not made it clear that while the conditions which have historically driven the regulatory process might be necessary, they are not by themselves sufficient to assure adequate attention to the state's primary concern, which is how well students are learning. To emphasize this redefinition of the state's interest, a clear expression of the primary purpose of schooling has been enacted into law and local school districts are required to develop student learning objectives, systems to assess the extent to which students are meeting the objectives, and plans for responding with reasonable modifications of the school program when student assessment indicates that desired learning is not taking place.

Although the State Board of Education was among the first to propose that state attention be directed to learning outcomes, the idea is one which has been endorsed by various other entities. For example, the North Central Association (the voluntary regional school accreditation body for the upper midwest) is pilot testing accreditation based on outcomes. Several Illinois schools are participating in this test, and more test sites are anticipated.

Several other studies conducted over the last few years have strongly recommended that state and national organizations construct and revise policies on the basis of school accountability and student performance. For example, the National Governors' Association recommended in its report, titled Time for Results: The Governors' 1991 Report on Education, that rewards and sanctions be introduced for schools and school districts based on the extent to which schools met realistic goals for students' academic achievement.

This new set of priorities which emphasizes student learning is not now a part of the Illinois school district recognition process. Therefore, even if no other changes were anticipated, it is evident that the present recognition and supervision system would have to be refocused to give priority to student learning.

Efficient Use of State Resources

It is clear that a regulatory system which does not have the technical assistance and other resources of the agency firmly and formally tied to it is limited in its ability to produce school improvement. It is only when such other available tools are clearly linked to the regulatory process that we can be assured that all necessary state effort, properly focused, is being applied to local problems. Such a visible connection carries the important message that the regulatory process is not an end in itself, but is instead an integrated part of an overall state school improvement effort.

Public Awareness and Accountability

It has long been known that full public information about school programs and problems can create powerful momentum for improvement. The state has formally recognized the value of the public receiving important insights into the problems of local schools by placing stringent public reporting requirements in report card and student learning assessment legislation.

In contrast, the state's regulatory process, with very few exceptions, is confined to a quiet dialogue between state, regional, and local officials. There is no requirement that the results of the process, including the recognition status assigned to a school or district, be communicated to the public at any level. This means that while the value of public awareness of school or school district problems is well known, the present

system has no provisions for ensuring that the local community is aware of the regulatory conditions or status of its local schools.

Identifying Important Differences Among Local School Districts

One of the concluding statements of the State Board's instructional program mandate study set the stage for consideration of a process which provides for differential treatment of school districts based on their recognition status.

> ...it (the state) has pursued a method of mandating which surely stultifies creativity at the local level in schools where it could exist to a high degree, while not assuring that appropriate state controls exist on schools where high purpose and commitment are lacking.

The statement called attention to both the differences among districts and the need to treat them in a manner which recognizes those differences. The impetus for differentiating among districts in the recognition process was increased during the discussions surrounding educational reform and was made imperative by a new state requirement to recognize and commend top-achieving schools.

The 1986 and 1989 surveys of other state regulatory systems indicated that a number of them provide more than the traditional two-tier ranking (e.g., Acceptable/Not Acceptable, or Full Accredited/Probationary). Some states have special recognition mechanisms outside the regulatory process, while others use monetary awards for excellence.

The practice in a number of states of acknowledging the differences among schools and school districts, and identifying those which are excellent as well as those which do not meet expectations, serves at least two purposes. It gives a more realistic picture of differences among local school districts and also communicates to the public meaningful information about schools in the state. It also allows the state to reasonably differentiate the intensity of its involvement with local school districts, giving appropriate attention to those with more severe compliance problems and offering those at the other end of the scale enough flexibility for experimentation and creativity.

As previously mentioned, only two of the three classifications in the Illinois system are used. The two used, as presently defined, do not adequately reflect the broad range of qualitative differences among those school districts, which are otherwise in technical compliance. Since the public needs and legitimately desires qualitative information about its schools, and since meaningful distinctions in recognition status would support the state's interest in school improvement, modifications in the Illinois system are clearly needed.

A Hierarchy of State Interests

The State Board study of instructional program mandates concluded with the observation that "...there has been a gradual blurring of the state's view of fundamental educational purposes, accompanied by a growing diffusion of resources...." It is apparent that the state has since acted to establish in its statutes that there are priorities among the expectations it (as well as the public) has placed on schools.

> The State of Illinois, having the responsibility of defining requirements for elementary and secondary education, establishes that the primary purpose of schooling is the transmission of knowledge and culture through which children learn in areas necessary to their continuing development. Such areas include the language arts, mathematics, the biological, physical and social sciences, the fine arts and physical development and health. Each school district shall give priority in the allocation of resources, including funds, time allocation, personnel, and facilities, to fulfilling the primary purpose of schooling. (The School Code, Section 27-1)

The implications for the state's regulatory responsibilities are apparent; no longer can the state process consider each of its requirements as having comparable weight in determining the recognition status awarded to the schools of Illinois. Instead, the process should acknowledge that certain factors are more relevant to the state's primary interests than others and will be clearly identified as such in regulatory criteria.

Schools as the Focus of Improvement; School Districts as the Focus of Accountability

The past decade or so of research on school effectiveness has established that the school is the appropriate locus for efforts in school improvement. This finding was reflected in 1985 education reform legislation which required that report card data be presented by school and that the role of the building principal be redefined to emphasize instructional leadership.

These and other factors clearly validate the appropriateness of the regulatory system's examination of individual school sites and indicate that it should be retained. Despite that focus, however, it is evident that the school district, through its governing board and central administration, bears final accountability for the quality of all its schools. Therefore, the recognition status of the district as a whole should be able to differ from individual schools therein.

A Range of Meaningful State Responses to Local School District Conditions

The responses available to the state when local school districts are in substantial noncompliance are limited. Dissolution of a school district is not a real option in the majority of situations, and withholding of state common school funds may be counter-productive to the purpose of school improvement and would have wide variation in its effect since school districts receive different levels of support from the state. It is therefore not surprising that such remedies have almost never been used. Clearly, fair and effective alternatives are needed.

On the other hand, there must always be available "appropriate state controls...on schools where high purpose and commitment are lacking." Numerous states now authorize definitive state intervention in seriously deficient schools and school districts. It is a method of last resort, used only for schools with severe problems which have exhausted all the time limits and resources available to them without achieving even marginal compliance. The situation in New Jersey, perhaps representing an extreme on the spectrum of potential state roles stipulates a 5-year state takeover of any school district consistently found to be "educationally bankrupt."

The state's concern for school improvement and for providing support to school districts has been discussed earlier in this report, and it is evident that it should be the guiding principle for developing a broader range of state response to local district compliance problems.

III. GENERAL CONCLUSIONS

"Given the answers to questions 1-3, what should the form and character of the state's role in regulating education be for both the immediate and long-term future?"

The school district recognition process in Illinois is the means for evaluating the conditions thought vital for the operation of schools. It reflects the variety of demands on schools that have been incorporated into rules and regulations in the course of many years. Despite its voluminous criteria, it is apparent that it lacks a great deal when it is compared to the demands facing us for a different focus and stronger accountability.

The study, begun in 1986, therefore ends with the general conclusion that the process for state recognition of school districts is not appropriate in its present form. It is also apparent from the study that changes in the system will best occur within the framework of principles which address both the shortcomings of the system as it stands and the demands likely to be placed upon it in the future.

Subsequent to the 1987 release of the study, public comment was received by organizations such as the Illinois Association of School Boards, the Illinois Association of School Administrators, and Ed-RED (Education, Research and Development). Public comment was generally favorable toward the proposed principles, with minor concern about the need to increase local (rather than state) regulatory control, and to increase the flexibility of offering regulatory waivers. There is also a growing trend toward emphasizing student learning outcomes. The two points receiving the most negative comment, however, dealt with potential state "receivership" of distressed districts as well as district rating procedures (the district being rated in accord with its lowest rated school).

In light of this public comment, as well as developments in Illinois and elsewhere, several of the original proposed principles listed in Attachment B have been changed. In particular, the changes introduce the concept of educational indicators, lengthen from five to seven years the cycle for recognition visits to top districts, make it possible for all districts to apply for regulatory exemptions, and clarify the concept of administrative oversight. The changes also include deletion of the original principle recommending that the rating of school districts be no higher than their lowest rated school. Each of the principles has been changed to eliminate unnecessary words and to clarify the content.

All of the new principles being proposed to the Board are shown in the following section of this paper.

IV. RECOMMENDED REGULATORY PRINCIPLES AND ACTIONS

Regulatory Principles

The State Board of Education believes that it is time to change the public school regulatory process, that this should be achieved through a collaborative process based upon the following principles, and that providing flexibility of means, while assuring accountability for results, should guide the work of all those engaged in this major effort to improve education in Illinois.

1. The state's regulatory process should help school districts improve education and achieve their goals and objectives for student learning. The process should use educational indicators which combine information about program availability, school finance, student characteristics, student achievement, and other data, and should ensure the coordination of state agency resources to assist in solving problems identified through the process.

2. The regulatory process should give priority to determining that school districts have clear and widely understood learning objectives for their students; that suitable systems for measuring student performance are in place; that assessment results are used to make changes necessary to improving student learning; and that parents and citizens are regularly informed of problems encountered and actions taken to improve student performance.

3. Confirmation of the presence or absence of required programs and services, properly certified staff, and other conditions which the state deems necessary in its schools, should continue to be an integral part of the recognition process. However, neither these elements nor student test scores should be considered as the sole basis for determining a school district's recognition status.

4. The regulatory process should define levels of state attention needed by individual schools or districts by creating a spectrum of regulatory classifications. For example, districts at the top end of the spectrum could be in a seven-year cycle of recognition (subject to annual written assurances) while those at the other end could be subject to state supervision on a regular basis as specified in the context of a school improvement plan. In such a process, the state should retain the responsibility to visit any school district or school if it has information to warrant such action.

5. The regulatory process should have a sufficient number of levels to distinguish important variations in the quality of

compliance and the severity of problems among and between schools and districts. The designations used should be familiar and should convey clear and meaningful messages to the public.

6. The regulatory process should contribute to the general advancement of educational practice in Illinois by allowing school districts to request and receive regulatory exemptions in order to engage in special programs and activities designed to enhance student learning.

7. The regulatory process should require comprehensive state and local public reporting of all recognition status determinations.

8. The regulatory process should include a range of appropriate state actions based on the principle of preventing schools from reaching unacceptable conditions. Use of an intervention such as administrative oversight should be carefully circumscribed and restricted for use only as a temporary measure of last resort when more positive measures have failed to produce improvement.

9. The process should include appropriate due process provisions through which local school districts may appeal their designated recognition status.

Recommended Actions

It is recommended that the State Board of Education begin the process necessary to reshape its regulation of local school districts by taking the following actions regarding the state system of school district recognition.

A. This report and the proposed regulatory principles should be widely distributed and opportunities should be provided for public comment prior to State Board adopting a set of Regulatory Principles to guide the development and implementation of a new recognition and supervision system.

B. Subsequent to adoption of its Regulatory Principles, the State Board should direct the State Superintendent to develop the proposed new system and a timeframe for its implementation by the 1991-92 school year, including any recommendations for legislation. The system and its timeframe for implementation should be developed with the advice of representative members of the education, business, and labor communities, and the public.

ATTACHMENT A

THE RECOGNITION PROCESS

In Illinois, recognition signifies the state's formal acknowledgement that a school or school district is operating in reasonable compliance with what is required of it and is thus eligible to continue to receive general state aid.

Illinois has three classes of recognition: Full Recognition, Probationary Recognition, and Nonrecognition.

- Full Recognition means that the recipient is generally in conformance with state laws and regulations as set forth in the rules, Public Schools Evaluation, Recognition and Supervision. Virtually all Illinois school districts receive a Full Recognition designation each year. A school district may be awarded Full Recognition even though one or more of its schools may have a lesser status.

- Probationary Recognition means that the school district is in significant noncompliance with state requirements and is being warned that it must make certain improvements.

  All school districts receiving Full Recognition or Probationary Recognition are eligible to receive general state aid for that school year.

- Nonrecognition means that the school or school district is not meeting state requirements and that the state has withdrawn its approval. General state aid cannot be provided to a district which has a Nonrecognition status and, if the conditions giving rise to this designation are not corrected within a year, the district is dissolved and the students assigned to a neighboring district or districts.

With few exception on record, no school district in Illinois has been awarded Nonrecognition status. One exception occurred in the mid-1970's and involved a very small, poor, rural high school district in southeastern Illinois. Following a year of Probationary Recognition and a subsequent year of Nonrecognition, its building was closed, the district disbanded and its students assigned to a neighboring district. Another occurred more recently, i.e., in 1988, when a small elementary district was placed on Nonrecognition for failing to open its school for two consecutive years, sending its students elsewhere.

A fourth designation -- "Pending Further Audit" -- is a temporary classification used only in situations where compliance problems can and are expected to be resolved within a limited period of time. This is not an official recognition status and it is eventually replaced by a formal designation.

On what basis is recognition status granted?

Recognition status is granted each year to every public school district and each school within each district; more than 5,000 such certificates are distributed annually. One of two processes is used for determining district status: either an annual application only, or an annual application and an on-site visitation.

1. Every school district must file an annual application for recognition. This one-page document provides certain basic information and assurances regarding the schools and the school district. For roughly two-thirds of the state's school districts, this application serves as the only basis for the awarding of recognition status for the following year and is essentially a pro forma activity.

2. Each year, approximately one-third of the local school districts in Illinois receive a recognition visit. The recognition status of these districts is determined by the results of this supervisory visit, as described in the following sections.

Circumstances which trigger more frequent visitations to some districts are any school or district with a probationary status; districts with chronic minor compliance problems not severe enough to result in probationary status; and districts about which the state agency has received complaints.

An additional exception to the three-year cycle of visitations is the Chicago school district which, because of its size and complexity, is subdivided and each subarea visited on a four-year cycle.

What is the visitation process?

Each year in the late summer, agency staff plan the school district recognition and supervision visits they will make during the year. Teams are assigned for each visit, varying in makeup according to the size of the school district in question. A three-person team, made up of one person from the State Board of Education and one official each from the Department of Public Health (DPH) and the school district's Educational Service Region (ESR), can cover the attendance centers in a small district (e.g., less than 200 students) in a one-day recognition visit. Larger school districts may need as many as five State Board staff members, four representatives from the DPH and the ESR, and four or five days to cover the greater number of attendance centers. The Public Health representative is responsible for assessing compliance with the state's immunization and health examination requirements. The regional superintendent participates especially in the inspection of facilities for Health and Life Safety purposes. Normally, no district

visitation involves more than five State Board of Education staff.

Before the visit, a school district is notified and asked to gather all necessary materials for the team to inspect. In most cases, since school districts are aware of the three-year cycle, their personnel have had plenty of time to prepare for this regular event. Although the members of the team are provided with a concise statistical and financial profile of the district they are preparing to visit, most of the other information about the district which is available within the state agency (for example, information on student achievement or the results of most other agency program compliance monitoring) is not typically made available to them or considered in the recognition process. On the day of the visit, the team assembles in the district superintendent's office to outline the process of the visit. The team members then conduct the visit which consists of reviewing local school board minutes and teacher certification files and spot-checking other documents (activities which require a significant proportion of the available time), visiting some classes to verify that the subjects taught match the master class schedule, and taking a walking tour to inspect the physical plant. They also talk to school personnel regarding requirements which may not be verifiable in other ways (for example, to determine that emergency drills are held as required) and also informally as the need arises.

At the end of the visit, which is two days in the majority of cases, the team reassembles to submit its written findings to the team leader. In an exit conference, the team leader gives the district superintendent an oral review that includes any areas of commendation, concern or noncompliance, and an indication of the district's recommended status. The recommendation will be for Full Recognition, Probationary Recognition, Nonrecognition, or Pending Further Audit.

A district superintendent who disagrees with the team's recommended recognition status may state objections during the exit conference, which is the first of five possible levels of appeal to the state agency. The district superintendent will then receive a written report and recommended status within a month of the visit and must make written response to any cited areas of noncompliance or concern within 45 days.

In each instance where noncompliance is cited, there is specific followup by agency staff in the form of an administrative review. This process, which may include additional visits to the district, is the means for assuring school district movement toward compliance.

At the state level, the report on a district is reviewed and sent through administrative levels for approval. Quarterly meetings are held during the year to discuss the results of all visits undertaken during the preceding 2-3 months, and to give district

personnel further opportunities to appeal their recommended status.

The annual cycle of visitations and decisions is closed in late summer when every public school district and attendance center in the state is sent its annual certificate of Recognition, Probationary Recognition or Nonrecognition for the forthcoming year. The certificate is signed by the State Superintendent of Education and the appropriate Regional Superintendent. Although many schools and districts display their certificate, there is no requirement that they do so nor that they advise the public about their recognition status.

What evaluative criteria are used in the visitation process?

All school districts, whether to be visited that year or not, must reply to nine assurance statements that constitute a basic spot-check of district conditions.

On a school district visitation, team members work with a School Evaluation Form divided into six sections, containing a series of statements and substatements. Each statement describes a characteristic required by law and regulation to be present in a school district. The team member notes its presence or absence ("In Compliance: Yes - No") and makes comments as necessary.

The areas of school district operation covered by this form are: Governance and Operations, General Health and Safety, Personnel, Instructional Program and Services, Special Education, and New Mandates. Although the statements (commonly referred to as probes) have significant breadth and variety, it is possible to make several generalizations about them.

- They reflect either the presence or absence of a condition (e.g., written policies, certificates, course schedules, hours taught).
- A substantial portion of the probes can be satisfied by a review of school district records.
- They do not in any way address student learning or its assessment.
- Some probes, as a practical matter depend primarily on assurances from local authorities (e.g., nondiscriminatory hiring, emergency drills, use of volunteer personnel).
- The probes are presented in a manner which implies that they are of equal importance and are therefore given equal weight in the determination of status.

ATTACHMENT B

1987 Proposed Regulatory Principles

1. The regulatory process should reflect the state's responsibility to help school districts improve education by helping them achieve their expressed goals and objectives for student learning. To that end, the process should be diagnostic; should draw upon the extensive information on student achievement, student characteristics, school finance and other data available at the state level; and should apply all state agency resources to the solutions of problems identified through the process.

2. The regulatory process should give priority to determining the degree to which school districts have clearly established, widely understood learning objectives for their students; that suitable assessment systems for ascertaining learning levels of students are in place; that the results of such assessment are used to make the reasonable adjustments necessary to improving student learning; and, that parents and citizens are kept fully aware of problems encountered and solutions implemented to improve student performance.

3. Confirmation of the presence or absence of certain courses, properly certified staff, student records, emergency drills, and other factors in the present system which the state, by law, has indicated are necessary in its schools, should continue to be an integral part of the recognition process. However, these elements should be classified in terms of their relative importance to the state and they should no longer be considered sufficient by themselves to be the basis for determining a school district's recognition status.

4. The regulatory process should focus state activity on school districts with the greatest need by creating a spectrum of regulatory classifications of sufficient breadth to define the varying levels of state attention needed by individual schools or districts. For example, districts at the top end of such a range could be in a five-year cycle of recognition, while those at the other extreme with severe problems could be under virtually continuous state supervision. In such a process, the state should retain the authority to visit any school district or school if it has information that local conditions have changed sufficiently to warrant renewed state attention.

5. The regulatory process should exhibit a clear intent to communicate to the public differences among and between schools and districts by having a sufficient number of levels to convey degrees of variation in the quality of

compliance and the severity of problems identified. Therefore, the designations used should be familiar and should convey clear and meaningful messages to the public.

6. The regulatory process should contribute to the general advancement of educational practice in Illinois by allowing school districts which have been determined to be in top recognition status to request and receive exemptions from selected elements of the regulatory requirements in order to engage in special, innovative or experimental programs and activities.

7. The school district is the authoritative administrative level for distribution of resources and determination of local policy and practice. Therefore, the regulatory process should treat the school district as accountable for the status of compliance and improvement for all of its schools, and its recognition status should be no higher than that of the lowest status held by any of its schools.

8. The regulatory process should require comprehensive state and local public reporting of all recognition status determinations.

9. The process should make provision for a range of appropriate sanctions, including a provision for a form of educational receivership which, for necessary periods of time and under extreme conditions, would permit or require state action to temporarily assume local governance of education in a given community. Use of such intervention should be carefully circumscribed and restricted for use only as a temporary measure of last resort when more positive measures have failed to produce improvement.

10. The process should include appropriate due process provisions through which local school districts may appeal their designated recognition status.

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